

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) CASE NO. CR92-286-RSL  
 )  
 Plaintiff, )  
 )  
 v. ) SUMMARY REPORT OF U.S.  
 ) MAGISTRATE JUDGE AS TO  
 ) ALLEGED VIOLATIONS  
 ) OF SUPERVISED RELEASE  
TRACY DAMON LEE, )  
 )  
 Defendant )  
 )

An initial hearing on supervised release revocation in this case was scheduled before me on April 21, 2006. The United States was represented by AUSA Andrew Colasurdo and the defendant by Carol Koller. The proceedings were digitally recorded.

Defendant had been sentenced on or about August 14, 1992 by the Honorable Carolyn R. Dimmick on a charge of Armed Bank Robbery (two counts); Possession of a Firearm during a Crime of Violence, and sentenced to 97 months and 60 months custody, to be served consecutively, 5 years supervised release. (Dkt. 21)

The conditions of supervised release included the standard conditions plus the requirements that defendant submit to search, abstain from the use of drugs or alcohol, and participate in a drug

**SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS  
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01 treatment program if directed, and pay restitution in the amount of \$3,762.

02 On June 22, 2004, defendant's probation officer reported that the defendant had violated  
03 the conditions of supervision by using marijuana and cocaine and failing to make payments toward  
04 restitution. The defendant was reprimanded, placed in a structured testing program with increased  
05 frequency of testing, and referred to a community based residential program. No further action  
06 was taken at the time. (Dkt. 44.)

07 In an application dated November 16, 2006 (Dkt 45), Senior U.S. Probation Officer Felix  
08 Calvillo, Jr. alleged the following violations of the conditions of probation:

09 1. Committing the crime of Possession of a Controlled Substance in Snohomish  
10 County, Washington on or about July 25, 2005 in violation of the general condition that he not  
11 commit another federal, state or local crime, and standard condition #7.

12 2. Failing to notify the probation officer within 72 hours of his July 25, 2005 arrest  
13 by a law enforcement officer, in violation of standard condition #11.

14 3. Committing the crime of Unlawful Furnishing of Liquor to a Minor in Seattle,  
15 Washington on or about October 7, 2005, in violation of the general condition that he not commit  
16 a federal, state or local crime.

17 4. Failing to notify the probation office within 72 hours of his October 7, 2005 arrest  
18 by a Seattle Police Officer, in violation of standard condition #11.

19 5. Failing to submit to testing to determine if he has reverted to the use of drugs, on  
20 August 12, September 15, October 4, and November 7, 2005 as directed, in violation of special  
21 condition #2 and standard condition #2.

22 6. Failing to make monthly payments toward restitution in the amount of \$50, in

01 violation of the general condition of supervision and special condition #3.

02 7. Using marijuana on or before July 8, 21 and September 2, 2004, in violation of  
03 standard condition #7.

04 8. Failing to submit a written report to the U.S. Probation Office within the first five  
05 days of August, September, and October 2005, in violation of standard condition #2.

06 Defendant was advised in full as to those charges and as to his constitutional rights.

07 Defendant admitted alleged violations 2, 4, 6, and 7 and waived any evidentiary hearing  
08 as to whether they occurred. Defendant requested an evidentiary hearing on alleged violations 1,  
09 3, 5, and 8, which has been scheduled on May 5, 2006 before the Honorable James P. Donohue.

10 I therefore recommend the Court find defendant violated his supervised release as alleged  
11 in violations 2, 4, 6, and 7, and that the Court conduct a hearing limited to the issue of  
12 disposition.

13 Pending a final determination by the Court, defendant has been detained.

14 DATED this 24th day of April, 2006.

15   
16 Mary Alice Theiler  
17 United States Magistrate Judge

18 cc: District Judge: Honorable Robert S. Lasnik  
19 AUSA: Andrew Colasurdo  
Defendant's attorney: Carol Koller  
Probation officer: Felix Calvillo, Jr.  
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